

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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MARC BERRY,

Plaintiff,

Case No. 1:08-CV-912

v.

HON. GORDON J. QUIST

MARY BERGHUIS,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on Petitioner on January 14, 2010. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(c). Therefore, the Court will adopt the Report and Recommendation. Accordingly,

**IT IS HEREBY ORDERED** that the Magistrate Judge's Report and Recommendation (Docket #38) is approved and adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Defendant's motion to dismiss (Docket #20) is **DENIED**.

Dated: February 10, 2010

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/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE